

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SHARON E. TAYLOR,
Plaintiff,

v.

CONTRA COSTA COUNTY
EMPLOYMENT AND HUMAN
SERVICES DEPARTMENT, et al.,
Defendants.

Case No. [16-cv-03738-MEJ](#)

**ORDER GRANTING MOTION TO
DISMISS WITH LEAVE TO AMEND**

Dkt. No. 14

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Defendants Contra Costa County Employment and Human Services Department, Renee Giometti, and Cassandra O’Neal (together, “Defendants”) moved to dismiss Plaintiff Sharon Taylor’s Complaint. *See* Mot., Dkt. No. 14. When Plaintiff failed to respond timely to Defendants’ Motion, the Court issued an order to show cause (“OSC”) why the case should not be dismissed. *See* OSC, Dkt. No. 18. The Court discharged the OSC after reviewing Plaintiff’s response thereto, and gave Plaintiff additional time to respond to the Motion. *See* Pl.’s Resp., Dkt. No. 19; Order re: CMC, Dkt. No. 20. Subsequently, Plaintiff timely filed a Notice of Non-Opposition to the Motion. *See* Not. of Non-Opp’n, Dkt. No. 21. Plaintiff acknowledges that she “file[d] under the wrong law” and requests permission to amend her complaint so that she can bring claims under the Americans with Disabilities Act rather than Title VII of the Civil Rights Act of 1964. *Id.*

The Court accordingly **GRANTS** Defendants’ Motion, and dismisses the complaint **WITH LEAVE TO AMEND**. Plaintiff shall file a first amended complaint (“FAC”) no later than December 29, 2016. Because Plaintiff is proceeding in forma pauperis, the Court will screen

1 the FAC pursuant to 28 U.S.C. § 1915(e)(2). Defendant shall not respond to the FAC until
2 ordered to do so.

3 **IT IS SO ORDERED.**

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5 Dated: November 29, 2016

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9 MARIA-ELENA JAMES
10 United States Magistrate Judge
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United States District Court
Northern District of California